

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUSTIN ANDERSON,

2:15-cv-02245-RFB-PAL

Petitioner,

ORDER

vs.

DWIGHT NEVIN, *et al.*,

Respondents.

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In this habeas corpus action, brought by Nevada prisoner Dustin Anderson, the court appointed counsel for Anderson on February 5, 2016, counsel appeared for Anderson on March 9, 2016, and, after a 120-day extension of time (from May 9, 2016), Anderson was due to file his first amended habeas petition by September 6, 2016. *See* Orders entered February 8, 2016 (ECF Nos. 7 and 8); Notice of Appearance, filed March 9, 2016 (ECF No. 9); Order entered May 12, 2016 (ECF No. 11).

On September 6, 2016, Anderson filed a motion for extension of time (ECF No. 12), requesting a further 45-day extension of time, to October 21, 2016, to file his first amended petition. Anderson's counsel represented that the extension of time was necessary so that she could meet with Anderson a second time before filing his amended petition. Respondents did not oppose the motion for extension of time. On October 21, 2016, Anderson filed his amended petition for writ of habeas

1 corpus (ECF No. 13). The court finds that Anderson's motion for a second extension of time was
2 made in good faith and not solely for the purpose of delay, and that there is good cause for the
3 requested extension of time. The court will grant the extension of time requested by Anderson, and
4 will treat his amended petition as timely filed.

5 With his amended petition, Anderson filed several exhibits (ECF Nos. 14, 15), and a motion
6 for waiver of LR IA 10-3(e), which concerns the form of the cover sheets to be included with
7 exhibits (ECF No. 16). The court finds that, in light of the number of exhibits filed, and the limited
8 resources of the Federal Public Defender, there is good cause for the waiver requested by Anderson.

9 Respondents were due to respond to the first amended petition by January 23, 2017.
10 *See* Order entered May 12, 2016 (ECF No. 11). On January 17, 2017, respondents filed a motion for
11 extension of time, requesting that the time for their response be extended to March 20, 2017 (ECF
12 No. 17). This 56-day extension would be the first extension of this deadline. Respondents' counsel
13 states that the extension is necessary because of his obligations in other cases, and because of time
14 away from his office during the holidays. The court finds that respondents' motion for an extension
15 of time is made in good faith and not solely for the purpose of delay, and that there is good cause for
16 the requested extension of time. The court will grant the extension of time.

17 **IT IS THEREFORE ORDERED** that petitioner's Motion for an Extension of Time (ECF
18 No. 12) is **GRANTED**. Petitioner's amended habeas petition, filed October 21, 2016 (ECF No. 13)
19 shall be treated as timely filed.

20 **IT IS FURTHER ORDERED** that petitioner's motion for waiver of LR IA 10-3(e) (ECF
21 No. 16) is **GRANTED**. LR 1A 10-3(e) is waived for purposes of the exhibits filed by all parties in
22 this action.

23 **IT IS FURTHER ORDERED** that respondents' motion for extension of time (ECF No. 17)
24 is **GRANTED**. Respondents shall have until and including March 20, 2017, to respond to
25 petitioner's amended petition for writ of habeas corpus (ECF No. 13).
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1 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
2 proceedings set forth in the order entered May 12, 2016 (ECF No. 11) shall remain in effect.

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4 **DATED** this 18th day of January, 2017.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE